

# SENATE BILL REPORT

## SB 6681

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As Reported By Senate Committee On:  
Government Operations & Elections, February 07, 2008

**Title:** An act relating to political signage in condominiums.

**Brief Description:** Regarding political signage in condominiums.

**Sponsors:** Senators Regala, Benton, Fairley, Weinstein, Roach, Oemig, Kline, McCaslin and Kohl-Welles.

**Brief History:**

**Committee Activity:** Government Operations & Elections:2/7/08 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline and McDermott.

**Staff:** Khalia Gibson (786-7460)

**Background:** Condominium and apartment owners' associations generally levy and collect assessments, manage and maintain common property for the benefit of the residents, and enforce covenants that govern developments. The authority to carry out these functions generally comes from governing documents, such as the declaration of covenants, conditions, and restrictions.

Restrictive covenants are generally recorded in property deeds and may regulate broad issues. A person who purchases property within a building subject to restrictive covenants becomes a member of the association and generally must abide by the restrictive covenants.

A retroactive statute is unconstitutional under the due process or contract clauses of the United States Constitution if the statute is unfair or unreasonable. The test of the constitutionality of retroactive legislation is whether a party has changed position in reliance upon the previous law or whether the retroactive law defeats the reasonable expectations of the parties.

**Summary of Bill:** The declaration, bylaws, governing documents, or the association of apartment owners may not prohibit the display of political signs on the owner's or resident's property before any primary or general election. This prohibition includes political signs on external doors and windows of the property.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The governing documents of the association may include reasonable rules regarding the placement and manner of display of political signs.

The bill applies retroactively to any prohibitions which are currently effective.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The purpose of this bill is to fill the gap that was left by 2005 legislation. The Supreme Court of Washington's recent holding regarding political signage in public housing is to the effect of this act, we want to be able to put signs outside of our windows as well. Congress is prohibited from abridging free speech, but homeowners associations are allowed to require owners to sign their rights away which is unjust.

**Persons Testifying:** PRO: Chris Karnes, citizen.